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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

THOMAS NEVEU, an individual; THOMAS
RICHARD, an individual; and CLIMATE
CHANGE FRAUD, an entity of unknown
origin and nature,

Defendants.

Case No.: 2:10-cv-01674

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Thomas Neveu (“Mr. Neveu”), Thomas Richard (“Mr. Richard”), and Climate Change Fraud (collectively with Mr. Neveu and Mr. Richard known herein as the “Defendants”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Neveu is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain found at <climatechangedispatch.com> (the “Domain”).

5. Mr. Richard is, and has been at all times relevant to this lawsuit, identified by the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”) as the “Editor” of the Website.

6. Climate Change Fraud is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

7. Attempts to find evidence of formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Nevada, and Massachusetts demonstrate that, at least with respect to these states, Climate Change Fraud is not a formally organized business entity.

8. Climate Change Fraud is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright notice displayed on the Website: “Copyright © 2010 Climate Change Fraud.”

JURISDICTION

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the literary work entitled: “As the wind blows” (the “Work”), attached hereto as Exhibit 1.

FACTS

21. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

22. Righthaven is the owner of the copyright in and to the Work.

23. The Work was originally published on or about August 27, 2010.

24. On September 22, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-491084222, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

25. On or about August 27, 2010, the Defendants displayed, and continue to display, the Infringement on the Website.

26. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

27. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

28. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 27 above.

29. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

30. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

31. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

1 32. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
2 U.S.C. § 106(5).

3 33. The Defendants reproduced the Work in derogation of Righthaven's exclusive
4 rights under 17 U.S.C. § 106(1).

5 34. The Defendants created an unauthorized derivative of the Work in derogation of
6 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

7 35. The Defendants distributed, and continue to distribute, an unauthorized
8 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
9 17 U.S.C. § 106(3).

10 36. The Defendants publicly displayed, and continue to publicly display, an
11 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
12 rights under 17 U.S.C. § 106(5).

13 37. Mr. Neveu has willfully engaged in the copyright infringement of the Work.

14 38. Mr. Richard has willfully engaged in the copyright infringement of the Work.

15 39. Climate Change Fraud has willfully engaged in the copyright infringement of the
16 Work.

17 40. The Defendants' acts as alleged herein, and the ongoing direct results of those
18 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
19 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

20 41. Unless the Defendants are preliminarily and permanently enjoined from further
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
22 entitled to preliminary and permanent injunctive relief against further infringement by the
23 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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26 **PRAYER FOR RELIEF**

27 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:
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1 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
2 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
3 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
4 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
5 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
6 directing, participating in, or assisting in any such activity;

7 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
8 or electronic copies:

9 a. All evidence and documentation relating in any way to the Defendants'
10 use of the Work, in any form, including, without limitation, all such evidence and
11 documentation relating to the Website;

12 b. All evidence and documentation relating to the names and addresses
13 (whether electronic mail addresses or otherwise) of any person with whom the
14 Defendants have communicated regarding the Defendants' use of the Work; and

15 c. All financial evidence and documentation relating to the Defendants' use
16 of the Work;

17 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to
18 lock the Domain and transfer control of the Domain to Righthaven;

19 4. Award Righthaven statutory damages for the willful infringement of the Work,
20 pursuant to 17 U.S.C. § 504(c);

21 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
22 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

23 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
24 law; and

25 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this twenty-seventh day of September, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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